

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:14-CR-228-FL-1

UNITED STATES OF AMERICA,

v.

KIMBERLY NICOLE TORRES,


Defendant.

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ORDER

This matter is before the court on defendant's motion (DE 45) to amend judgment and her presentence report to add a recommendation for residential drug treatment. "A judgment of conviction that includes a sentence of imprisonment constitutes a final judgment' and may not be modified by a district court except in limited circumstances." Dillon v. United States, 560 U.S. 817, 824 (2010) (quoting 18 U.S.C. § 3582(b)). In addition, post-judgment changes to a presentence report are limited to corrections of "[c]lerical error[s]." Fed. R. Crim. P. 32(f) & 36; see United States v. Blackmon, 698 F. App'x 113 (4th Cir. 2017); United States v. Wilkes, 376 F. App'x 295, 296 (4th Cir. 2010). None of the circumstances specified by statute and rule are applicable here. Thus, this court lacks authority to amend defendant's final judgment or presentence report to add substantive information or a recommendation for residential drug treatment. Accordingly, defendant's motion is DENIED.

SO ORDERED, this the 30th day of April, 2018.



LOUISE W. FLANAGAN
United States District Judge